

AMENDED IN ASSEMBLY MAY 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2463**

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**Introduced by Assembly Member Brownley**

February 19, 2010

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An act to amend Sections 8210, 8211, 8212, 8214, 8215, and 8216 of, to add Sections 8212.5, ~~8217~~, 8215.5, and 8218 to, *and* to repeal Sections 8211 and Section 8212.3 of, the Education Code, ~~and to amend Section 1596.655 of the Health and Safety Code~~, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2463, as amended, Brownley. Child care resource and referral programs.

(1) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs. Existing law authorizes funds appropriated for purposes of the act to be used for child care resource and referral programs, which may be operated by public or private nonprofit entities and are required to provide certain information and services to parents and child care providers relating to child care services in a defined geographic area.

This bill ~~would delete provisions expressing the Legislature's intent to appropriate certain funds for allocation to resource and referral agencies.~~ The bill would require a child care resource and referral program to provide specified additional services, including providing training and workshops relating to child care services, community resource assistance, and collaborating with and assisting other community agencies in planning, coordinating, and improving child

care. The bill would delete provisions authorizing a resource and referral program to provide short-term respite care, as defined. The bill would require a resource and referral program to provide basic child care referrals, as defined, at no cost.

*(2) Existing law requires the State Department of Social Services to prevent the use of lists containing names, addresses, and other identifying information of facilities identified as small family day care homes, with certain exceptions.*

*This bill, in addition, would require a child care resource and referral program to limit the distribution of lists of small family day care homes except when necessary to collaborate with federal, state, and local emergency response organizations for emergency preparedness and response efforts.*

~~(2)~~

*(3) Existing law establishes the California Child Care Initiative Project for certain purposes, including increasing the availability of qualified child care programs in the state.*

~~This bill would instead establish 2 projects, to be known as the California Child Care Initiative Project - State Program, and the California Child Care Initiative Project - Quality Plan Program, and would require the Superintendent to allocate funds, including funds from the federal Child Care and Development Block Grant quality set-aside, in accordance with specified requirements. The bill would establish the Growing, Learning, Caring Project to foster and improve the quality of child care in all settings, including child care settings that are exempt from licensing requirements home-based settings.~~

~~(3)~~

*(4) Existing law requires the State Department of Social Services to establish a trustline registry for purposes of conducting background checks for specified child care service providers, and imposes certain responsibilities on resource and referral programs in the administration of the trustline.*

~~This bill would impose additional requirements on resource and referral programs relating to the trustline, including providing specified additional data, and reviewing and processing trustline applications for in-home or license-exempt home-based child care providers who are being paid through state-funded child care subsidies, and facilitating the trustline automated registration process or the trustline Web-based application process. The bill would make other conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8210 of the Education Code is amended  
2 to read:

3 8210. Funds appropriated for the purpose of this article shall  
4 be used for child care resource and referral programs which may  
5 be operated by public or private nonprofit entities.

6 ~~SEC. 2. Section 8211 of the Education Code is repealed.~~

7 *SEC. 2. Section 8211 of the Education Code is amended to*  
8 *read:*

9 8211. It is the intent of the Legislature ~~that one hundred eighty~~  
10 ~~thousand dollars (\$180,000) be appropriated to appropriate each~~  
11 ~~fiscal year funding for allocation to child care and development~~  
12 ~~resource and referral agencies operated by local educational~~  
13 ~~agencies for the purpose of the child care resources and referral~~  
14 ~~program set forth in this article~~ *programs.*

15 SEC. 3. Section 8212 of the Education Code is amended to  
16 read:

17 8212. Child care resource and referral programs are unique in  
18 their provision of services to parents and all types of child care  
19 providers. For purposes of this article, child care resource and  
20 referral programs, established to serve a defined geographic area,  
21 shall provide the following services:

22 (a) Identify the full range of existing child care services through  
23 information provided by all relevant public and private agencies  
24 in the areas of service, and the development of a resource file of  
25 those services which shall be maintained and updated at least  
26 quarterly. These services shall include, but not be limited to, family  
27 day care homes, public and private day care programs, full-time  
28 and part-time programs, and infant, preschool, and extended care  
29 programs.

30 The resource file shall include, but not be limited to, the  
31 following information:

- 32 (1) Type of program.  
33 (2) Hours of service.  
34 (3) Ages of children served.  
35 (4) Fees and eligibility for services.

1 (5) Significant program information.

2 (b) (1) Establish a referral process that is described in writing  
3 and is available to parents and providers upon request, that  
4 responds to parental need for information. Referrals shall be  
5 available to all persons requesting the information regardless of  
6 income level or other eligibility—~~requirements—referrals~~  
7 *requirements. A child care resource and referral program shall*  
8 *limit the distribution of lists of small family day care homes as*  
9 *required pursuant to Section 1596.86 of the Health and Safety*  
10 *Code except when necessary to collaborate with federal, state,*  
11 *and local emergency response organizations for emergency*  
12 *preparedness and response efforts. Referrals shall be provided*  
13 *with full recognition of the confidentiality rights of parents.*  
14 *Resource and referral programs shall make referrals to licensed*  
15 *child day care facilities, and, where available, may make referrals*  
16 *to programs that are legally exempt from licensing. The referral*  
17 *process shall afford parents maximum access and choice to all*  
18 *referral information. This access shall include, but is not limited*  
19 *to, telephone referrals to be made available for at least 30 hours*  
20 *per week as part of a full week of contracted operation. Every*  
21 *effort shall be made to make child care referrals accessible to all*  
22 *parents within the defined geographic area by using methods*  
23 *including, but not limited to, any of the following:*

24 (A) Toll-free telephone lines.

25 (B) E-mail and other appropriate technology.

26 (C) Office space convenient to parents and providers.

27 (D) Referrals in languages—~~which~~ *that* are spoken in the  
28 community.

29 Each child care resource and referral program shall publicize its  
30 services through ~~all~~ available media sources, agencies, and other  
31 appropriate methods.

32 (2) (A) Provide information to any person who requests a child  
33 care referral of his or her right to view the licensing information  
34 of a licensed child day care facility required to be maintained at  
35 the facility pursuant to Section 1596.859 of the Health and Safety  
36 Code and to access any public files pertaining to the facility that  
37 are maintained by the State Department of Social Services  
38 Community Care Licensing Division.

39 (B) A written or oral advisement in substantially the following  
40 form will comply with the requirements of subparagraph (A):

1 “State law requires licensed child day care facilities to make  
2 accessible to the public a copy of any licensing report pertaining  
3 to the facility that documents a facility visit or a substantiated  
4 complaint investigation. In addition, a more complete file regarding  
5 a child care licensee may be available at an office of the State  
6 Department of Social Services Community Care Licensing  
7 Division. You have the right to access any public information in  
8 these files.”

9 (c) Maintain ongoing documentation of requests for service  
10 tabulated through the internal referral process. The following  
11 documentation of requests for service shall be maintained by all  
12 child care resource and referral programs:

13 (1) Number of calls and contacts to the child care resource and  
14 referral program or component.

15 (2) Ages of children served.

16 (3) Time category of child care request for each child.

17 (4) Special time category, such as nights, weekends, and swing  
18 shift.

19 (5) Reason that the child care is needed.

20 This information shall be maintained in a manner that is easily  
21 accessible for dissemination purposes.

22 (d) Provide technical assistance to existing and potential  
23 providers of all types of child care services to improve access to,  
24 increase the supply of, and improve the quality of child care  
25 available in every community in California. This assistance shall  
26 include, but not be limited to, the following:

27 (1) Provide information on all aspects of initiating new child  
28 care services including, but not limited to, licensing, zoning,  
29 program and budget development, and assistance in finding this  
30 information from other sources.

31 (2) Provide information and resources that help existing child  
32 care services providers to maximize their ability to serve the  
33 children and parents of their community, including, ~~when~~  
34 ~~appropriate~~ *for example*, site visits and toy and resource libraries.

35 (3) Provide training and workshops on health and safety, child  
36 development, special needs, and other topics related to professional  
37 development.

38 (4) Disseminate information on current public issues affecting  
39 the local and state delivery of child care services.

1 (5) Facilitate communication between existing child care and  
2 child-related services providers in the community served.

3 ~~(6) Provide community resource assistance to parents, child~~  
4 ~~care providers, and other community organizations by providing~~  
5 ~~information about community resources, child care statistics, and~~  
6 ~~initiating a child care business.~~

7 *(6) Provide information about community resources, child care*  
8 *statistics, and opening a child care business to parents, child care*  
9 *providers, community organizations, and government entities.*

10 (7) Collaborate with community partners to increase awareness  
11 of child care issues and maximize federal, state, and local resources.

12 (8) Assist community and public agencies in planning,  
13 coordinating, and improving child care in the area.

14 ~~(9) Assist the local county welfare agency in determining the~~  
15 ~~child care needs of CalWORKs families, and provide CalWORKs~~  
16 ~~families with information on available child care.~~

17 *(9) Partner with local county welfare agencies in meeting the*  
18 *child care needs of CalWORKs families.*

19 (10) Facilitate efforts to expand child care services in the local  
20 community based on demonstrated demand for services.

21 (e) Services prescribed by this section shall be provided in order  
22 to maximize parental choice in the selection of child care to  
23 facilitate the maintenance and development of child care services  
24 and resources.

25 ~~(f) (1) A program operating pursuant to this article shall, within~~  
26 ~~two business days of receiving notice, remove a licensed child day~~  
27 ~~care facility with a revocation or a temporary suspension order, or~~  
28 ~~that is on probation from the program's referral list.~~

29 *(f) (1) For purposes of statewide data compilation, a child care*  
30 *resource and referral agency shall provide to the California Child*  
31 *Care Resource and Referral Network the following information:*

32 *(A) Data from its service area on child care supply and demand.*

33 *(B) Data on other child care resource and referral services,*  
34 *including, but not limited to, training and technical assistance*  
35 *provided to parents and providers.*

36 *(2) A child care resource and referral agency shall provide the*  
37 *information in subparagraph (A) at least biennially and the*  
38 *information in subparagraph (B) no more frequently than*  
39 *quarterly.*

1 (3) *The network shall share compiled information on child care*  
2 *resource and referral services with the department annually.*

3 (g) (1) *When a program operating pursuant to this article*  
4 *receives notice from the community care licensing division of the*  
5 *State Department of Social Services that the license of a child day*  
6 *care facility has been revoked or suspended or that the facility is*  
7 *on probation, the program shall remove the facility from its referral*  
8 *lists.*

9 (2) A program operating pursuant to this article shall, within  
10 two business days of receiving notice, notify all entities, operating  
11 a program under Article 3 (commencing with Section 8220) and  
12 Article 15.5 (commencing with Section 8350) in the program's  
13 jurisdiction, of a licensed child day care facility with a revocation  
14 or a temporary suspension order, or that is on probation.

15 SEC. 4. Section 8212.3 of the Education Code is repealed.

16 SEC. 5. Section 8212.5 is added to the Education Code, to  
17 read:

18 8212.5. A child care resource and referral program shall  
19 develop and implement written complaint procedures that include  
20 all of the following:

21 (a) Procedures for documenting and resolving complaints.

22 (b) Procedures for referring reports of licensing violations to  
23 appropriate agencies.

24 (c) Procedures for removing and reinstating a child care provider  
25 from referral files.

26 SEC. 6. Section 8214 of the Education Code is amended to  
27 read:

28 8214. Basic child care referrals shall be provided at no cost to  
29 *the requesting party and shall be available to* all persons requesting  
30 services, regardless of income level or other eligibility criteria. A  
31 basic child care referral shall include the names and telephone  
32 numbers of child care providers that meet the requested need of  
33 the parent or guardian seeking referrals *in addition to the*  
34 *information and services described in Section 8216.* A fee may be  
35 charged for an enhanced referral that includes information in  
36 addition to basic child care referral information. In addition to the  
37 services prescribed by this section, a child care resource and referral  
38 program may provide a wide variety of *other* parent and provider  
39 support and educational services *either at no cost to the parent or*  
40 *provider or on a fee-for-service basis.* Services, including training,

1 technical assistance, and other appropriate supports that improve  
2 the quality of child care available in the community, ~~shall~~ *may* be  
3 provided for all types of child care providers.

4 SEC. 7. Section 8215 of the Education Code is amended to  
5 read:

6 8215. (a) There are hereby established two projects, known  
7 as the California Child Care Initiative Project- State Program, and  
8 the California Child Care Initiative Project - Quality Plan Program.  
9 It is the intent of the Legislature to promote and foster the  
10 California Child Care Initiative Project - State Program in  
11 cooperation with private corporations and local governments. The  
12 objective of both projects is to increase the availability of quality  
13 child care ~~programs~~ in the state.

14 (b) For purposes of this section, the purpose of the California  
15 Child Care Initiative Project is to clarify the role and functions of  
16 resource and referral programs in activities including needs  
17 assessment, recruitment and screening of providers, technical  
18 assistance, and staff development and training, in order to aid  
19 communities to increase the number of child care spaces available  
20 and improve the quality of child care services offered.

21 (c) The Superintendent shall allocate all state and federal funds  
22 appropriated for the California Child Care Initiative:

23 ~~Projects in accordance with the following provisions:~~

24 ~~(1) For the California Child Care Initiative Project - State~~  
25 ~~Program, the Superintendent~~ *Initiative Project - State Program*  
26 *and* shall ensure that each dollar of state funds allocated pursuant  
27 to ~~subdivision (e)~~ *this subdivision* is matched by two dollars (\$2)  
28 from other sources, including private corporations, the federal  
29 government, or local governments.

30 ~~(2) For the California Child Care Initiative Project - Quality~~  
31 ~~Plan Program, the Superintendent shall allocate state and federal~~  
32 ~~funds from the federal Child Care and Development Block Grant~~  
33 ~~quality set-aside.~~

34 ~~(d) The Superintendent shall develop a database for the two~~  
35 ~~projects.~~

36 SEC. 8. Section 8215.5 is added to the Education Code, to  
37 read:

38 8215.5. (a) *There is hereby established the Growing, Learning,*  
39 *Caring Project a license-exempt training project for child care*  
40 *providers who offer informal child care. The intent of the*



1 *Legislature in establishing the project is to foster and improve the*  
2 *quality of child care in home-based child care settings.*

3 *(b) For purposes of this section, the Growing, Learning, Caring*  
4 *Project clarifies the role and functions of resource and referral*  
5 *programs in training, technical assistance, and supports for*  
6 *license-exempt providers.*

7 ~~SEC. 8.~~

8 *SEC. 9.* Section 8216 of the Education Code is amended to  
9 read:

10 8216. (a) A child care resource and referral program shall  
11 maximize parental choice and supports for parents in locating child  
12 care resources in their community by doing the following:

13 (1) Provide information regarding how to select child care  
14 services that meet the needs of the parent and child.

15 (2) Provide a range of possible child care alternatives from  
16 which a parent may choose.

17 (3) Provide information on licensing requirements and  
18 procedures.

19 (4) Provide information on available child care subsidies and  
20 eligibility requirements.

21 (b) When making referrals, an agency operating both a direct  
22 service program and a resource and referral program shall provide  
23 at least four referrals, at least one of which shall be a provider over  
24 which the agency has no fiscal or operational control, as well as  
25 information to a family on the family's ability to choose a  
26 license-exempt provider. *control. If there are fewer than four*  
27 *providers that can meet the request of the parent, a resource and*  
28 *referral program shall provide all of the referrals that meet the*  
29 *parent's request.*

30 ~~SEC. 9.~~ Section 8217 is added to the Education Code, to read:

31 8217. (a) ~~There is hereby established the Growing, Learning,~~  
32 ~~Caring Project. The intent of the Legislature in establishing the~~  
33 ~~project is to foster and improve the quality of child care in all~~  
34 ~~settings, including child care settings that are exempt from licensing~~  
35 ~~requirements.~~

36 ~~(b) For purposes of this section, the Growing, Learning, Caring~~  
37 ~~Project clarifies the role and functions of resource and referral~~  
38 ~~programs in training, technical assistance, and supports for~~  
39 ~~license-exempt providers.~~

~~(e) The Superintendent shall allocate state and federal funds appropriated for purposes of the Growing, Learning, Caring Project.~~

SEC. 10. Section 8218 is added to the Education Code, to read:  
8218. (a) A child care resource and referral program shall implement the trustline registry program for license-exempt child care providers pursuant to Section 1596.655 of the Health and Safety Code.

(b) *In addition to the responsibilities specified in Section 1596.655 of the Health and Safety Code, a child care resource and referral program shall do both of the following:*

(1) *Review trustline applications for completeness and forward the necessary application information to the State Department of Social Services in-home or license-exempt, home-based child care providers who are being paid through state or federally funded child care subsidies.*

(2) *Cooperate with the California Child Care Resource and Referral Network to facilitate the use of the trustline automated registration process or the trustline Web-based application process.*

~~SEC. 11. Section 1596.655 of the Health and Safety Code is amended to read:~~

~~1596.655. A child care resource and referral agency established pursuant to Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of the Education Code shall have the following responsibilities in the administration of the trustline within its local geographic area of service:~~

~~(a) Implement the local elements of the promotion plan designed by the California Child Care Resource and Referral Network pursuant to Section 1596.643 and publicize the availability, purpose, and benefits of the trustline to parents, child care providers, prospective child care providers, and institutions and agencies that have frequent contact with parents and providers.~~

~~(b) Cooperate with the California Child Care Resource and Referral Network in promotional and data collection efforts, including providing information on child care supply and demand data on a biennial basis from their service areas, and data on other child care resource and referral services, such as training and technical assistance, on a quarterly basis for the purposes of statewide data compilation.~~

1     ~~(e) Report annually to the California Child Care Resource and~~  
2     ~~Referral Network on local promotional efforts, problems~~  
3     ~~encountered, and recommendations for program improvement.~~

4     ~~(d) Ensure that the trustline is accessible to all persons in the~~  
5     ~~state, regardless of their ability to speak English.~~

6     ~~(e) Provide information and technical assistance on the trustline~~  
7     ~~process to parents, child care providers, and other interested parties.~~

8     ~~(f) Review and process trustline applications for in-home or~~  
9     ~~license-exempt, home-based child care providers who are being~~  
10    ~~paid through state-funded child care subsidies.~~

11    ~~(g) Cooperate with the California Child Care Resource and~~  
12    ~~Referral Network to facilitate the use of the trustline automated~~  
13    ~~registration process or the trustline web-based application process.~~